

MANDATE

S.D.N.Y. - NYC
12-cv-6677
Rakoff, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 2nd day of December, two thousand fourteen.

Present:

Robert D. Sack,
Denny Chin,
Susan L. Carney,
Circuit Judges.

Edward Zyburo, on behalf of himself
and all similarly situated,

Plaintiff - Counter Defendant
- Respondent,

v.

14-3623

NCSPLUS, Incorporated,

Defendant - Counter Claimant
- Petitioner.

Petitioner moves, pursuant to Federal Rule of Civil Procedure 23(f), for leave to appeal the district court's order granting Respondent's motion for class certification. Upon due consideration, it is hereby ORDERED that the petition is DENIED because an immediate appeal is unwarranted. *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139-40 (2d Cir. 2001).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

A True Copy

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United States Court of Appeals, Second Circuit

SAO-SMH



MANDATE ISSUED ON 12/02/2014